

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Daniel Shane Allen,)	
)	
Plaintiff,)	
)	Civil Action No. 8:18-cv-1812-TMC
v.)	
)	ORDER
Brian Louis and Captain Downing,)	
)	
Defendants.)	

Plaintiff, proceeding *pro se* and *in forma pauperis*, brought this action seeking relief pursuant to Title 42, United States Code Section 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that this action be dismissed *with* prejudice and without issuance and service of process. (ECF No. 31). Plaintiff was advised of his right to file objections to the Report. *Id.* at 8. However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the magistrate judge's Report (ECF No. 31), which is incorporated herein by reference. Accordingly, this case is **DISMISSED *with* prejudice and without issuance and service of process.**¹

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

October 10, 2018
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹ The court notes that the Plaintiff amended his Complaint on June 26, 2018 after the magistrate judge issued an initial Report stating that Plaintiff's case was subject to dismissal for failure to state a claim. (ECF No. 14). However, the Complaint still contained deficiencies. The magistrate judge then gave Plaintiff an opportunity to amend his Amended Complaint to correct the defects therein. (ECF No. 26). In that order, the magistrate judge specifically warned Plaintiff that failure to cure the identified deficiencies would result in the recommendation that the case be dismissed with prejudice and without leave for further amendment. *Id.* Despite this warning, Plaintiff failed to amend the complaint.